

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALOTT,
Plaintiff,
v.
ALAMEDA COUNTY SOCIAL SERVICES
AGENCY,
Defendant.

No. C 09-02234 CW
ORDER TAKING MOTION
UNDER SUBMISSION

On August 10, 2008, County of Alameda filed a Motion to Dismiss for Failure to State a Claim and Motion to Strike and noticed the motion for hearing on September 24, 2009. Plaintiff's opposition to the motion was due September 3, 2009. Plaintiff has not filed an opposition to the motion. Accordingly,

Notice is hereby given that the Court, on its own motion, shall take County of Alameda's Motion to Dismiss for Failure to State a Claim and Motion to Strike under submission on the papers. The hearing previously scheduled for September 24, 2009, is vacated. Plaintiff's opposition to the motion will be due September 17, 2009, and any reply by Defendant will be due

1 September 24, 2009. Failure by Plaintiff to timely file a written
2 opposition to the motion will result in dismissal of this case for
3 failure to prosecute.

4 Dated: 9/4/09



CLAUDIA WILKEN
United States District Judge

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1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 MALOTT et al,

5 Plaintiff,

6 v.

7 ALAMEDA COUNTY SOCIAL SERVICES
8 AGENCY et al,

9 Defendant.

Case Number: CV09-02234 CW

CERTIFICATE OF SERVICE

10 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
11 Court, Northern District of California.

12 That on September 4, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said
13 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
14 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
15 located in the Clerk's office.

16 Michael Malott
17 C/O 3376 Preakness Court
18 Marietta, GA 30062

Dated: September 4, 2009

Richard W. Wieking, Clerk
By: Sheilah Cahill, Deputy Clerk